

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA §
 §
V. § CRIMINAL NO. H-15-MJ-1187
 §
GREGG CARL BAIRD §

**UNOPPOSED MOTION TO TRANSFER DEFENDANT
TO FEDERAL DETENTION CENTER AT HOUSTON**

TO UNITED STATES MAGISTRATE JUDGE STEPHEN WM. SMITH:

Gregg Carl Baird, defendant, files this Unopposed Motion To Transfer Defendant To Federal Detention Center at Houston, and would show as follows:

I.

Baird is charged with receipt and possession of child pornography in violation of 18 U.S.C. §§ 2252A(a)(2) & (a)(5)(B). He is currently detained at the Joe Corley Detention Facility in Conroe, Texas. As a result of the nature of his charges—and not any conduct that he has engaged in since he has been detained—he is confined in administrative segregation.

II.

Baird is HIV-positive and takes prescription medication. However, he is not receiving his medication as required at Corley. Additionally, in the past year, he was involved in a serious accident that resulted in a fractured hip and required surgery and rehabilitation. As a result of the injury, one of his legs is almost two

inches shorter than the other. At the time of his arrest, he was receiving physical therapy and was in the process of being fitted for an orthotic device to assist his efforts to walk more comfortably. However, because he is confined in administrative segregation, he does not have access to the quality or quantity of physical activity that he needs to continue his recovery from this injury.

III.

At the counsel determination hearing on August 28, 2015, Baird asked that Judge John R. Froeschner request that the United States Marshal transfer him from Corley to the Federal Detention Center in Houston because counsel has reason to believe, after consulting with Federal Public Defender Marjorie Meyers, that he will receive superior medical treatment and may not be confined in administrative segregation.¹ Without opposition from the Government, Judge Froeschner orally made this request of the Marshal in open court. Thereafter, a deputy with the Marshal's Office told counsel that the Marshal would not transfer Baird to FDC-Houston without a court order.

¹ Meyers told counsel that Judge Lee Rosenthal ordered the Marshal to transfer her client, William McGrath, who is charged with traveling in foreign commerce and engaging in illicit sexual conduct in case number 4:14-CR-566, from Corley, where he was confined in administrative segregation, to FDC-Houston, where he is confined in the general population despite the nature of his offense (See Docket Entries 29, 31). Assistant United States Attorney Sherri Zack, who is prosecuting Baird, also represents the Government in McGrath's case, and she did not oppose McGrath's request to be transferred.

CONCLUSION

Baird moves that the Court grant this motion and order the Marshal to transfer him from Corley to FDC-Houston.

Respectfully submitted,

/S/ Josh Schaffer

Josh Schaffer

State Bar No. 24037439

Federal ID No. 33073

1301 McKinney, Suite 3100
Houston, Texas 77010
(713) 951-9555
(713) 951-9854 (facsimile)
josh@joshschafferlaw.com

Attorney for Defendant
GREGG CARL BAIRD

CERTIFICATE OF CONFERENCE

I conferred with Sherri Zack, Assistant United States Attorney, on September 10, 2015, and she does not oppose this motion.

/S/ Josh Schaffer

Josh Schaffer

CERTIFICATE OF SERVICE

I served a copy of this document on Sherri Zack, Assistant United States Attorney, by electronic filing on September 11, 2015.

/S/ Josh Schaffer

Josh Schaffer

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA §
 §
V. § CRIMINAL NO. H-15-MJ-1187
 §
GREGG CARL BAIRD §

ORDER

Baird's Unopposed Motion To Transfer Defendant To Federal Detention Center at Houston is **GRANTED**. The United States Marshal is **ORDERED** to transfer Baird to the Federal Detention Center at Houston immediately and detain him there pending resolution of this case or until otherwise ordered by the Court.

Signed at Houston, Texas, on September _____, 2015.

Stephen Wm. Smith
United States Magistrate Judge